



**THE CITY OF DAYTONA BEACH
BUSINESS MEETING OF THE CITY COMMISSION
NOVEMBER 6, 2019
CITY COMMISSION CHAMBERS
6:00 PM**

AGENDA

Website Address - www.codb.us (City Clerk)

NOTICE- Pursuant to Section 286.0105, Florida Statutes, if any person decides to appeal any decision made by the City Commission at this public meeting, such person will need a record of the proceedings and, for that purpose, such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The city does not prepare or provide such a record.

	<p>For special accommodations, please notify the City Clerk's Office at least 72 hours in advance. (386) 671-8020</p>		<p>Help for the hearing impaired is available through the Assistive Listening System. Receivers can be obtained from the City Clerk's Office.</p>
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In accordance with the Americans with Disabilities Act (ADA), persons with a disability needing a special accommodation to participate in the City Commission meeting should contact the City Clerk's Office, 301 S. Ridgewood Ave, Room 210, Daytona Beach, FL 32114, Telephone: (386) 671-8023, Email: clerk@codb.us not later than 72 hours prior to the proceedings. If you are hearing or voice impaired contact the relay operator at 1-800-955-9771.

1. ROLL CALL.

AGENDA

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1. **ROLL CALL.**
2. **INVOCATION.**
3. **PLEDGE OF ALLEGIANCE TO THE FLAG.**
4. **APPROVAL OF MINUTES.**

4.A. [Approval of Minutes](#)

Approval of the Minutes of the July 17, 2019 County Presentation, the August 21, 2019 Strategic Planning Workshop, and the August 29, 2019 Special Meeting - Declaring a State of Emergency held at City Hall, 301 S. Ridgewood Avenue, Daytona Beach, Florida.

5. **AGENDA APPROVAL.**

THOSE MATTERS INCLUDED UNDER THE CONSENT AGENDA ARE SELF-EXPLANATORY AND ARE NOT EXPECTED TO REQUIRE REVIEW OR DISCUSSION. ITEMS WILL BE ENACTED BY ONE MOTION. IF DISCUSSION IS DESIRED BY ANY MEMBER OF THE COMMISSION, THAT ITEM MUST BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

6. **PRESENTATION.**

6.A. [No Presentation](#)

No presentation.

7. **CITIZENS.**

7.A. [**PUBLIC COMMENTS BY THE PEOPLE ADDRESSING THE CITY COMMISSION**](#)

During this time Citizens have the opportunity to address the City Commission on any item on the Consent Agenda.

8. **CONSENT AGENDA.**

PLEASE NOTE: ITEMS PULLED FROM THE CONSENT AGENDA MAY BE REMOVED FROM CONSIDERATION BY THE CITY COMMISSION AND CONTINUED FOR TWO (2) WEEKS UNTIL THE NEXT REGULARLY SCHEDULED CITY COMMISSION MEETING. (ONLY MEMBERS OF THE CITY COMMISSION MAY REMOVE ITEMS FROM THE AGENDA).

8.A. [Police Department - U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, FY 2019 Edward Byrne Memorial Justice Assistance Grant \(JAG\) \(pp. 25-57\)](#)

Resolution authorizing a grant application, to apply, submit, accept, and expend the U.S. Department of Justice, Bureau of Justice Assistance, Edward Byrne Memorial Justice Assistance Grant (JAG), Local Solicitation FY 2019 funding to enhance existing law enforcement initiatives including the Juvenile Electronic Monitoring (JEM) program in the amount of \$61,305.00. Awards are made in the 1st fiscal year of the appropriation and maybe expended during the following 3 years, for a total of a 4 year grant period. There is no match requirement to accept this grant award.

Recommendation: Chief of Police recommends adoption of the Resolution.

8.B. [Finance/Purchasing Department - Unifirst Corporation - Contract Award \(pp. 58-121\)](#)

Resolution authorizing expenditures for the rental and servicing of employee uniforms and floor mats on an annual basis pursuant to the terms and conditions of the Cooperative Contract 062415 awarded to Unifirst Corporation for a term of 3 years with two (2) 1-year options available. The annual cost is estimated to be \$52,210.13 and the total cost for the three year contract is estimated to be \$156,630.39 which includes a 5% allowance for replacement of lost and damaged uniforms. The City Manager shall be authorized to exercise the renewal options, expend funds for uniform and floor mats in future fiscal years, and to execute all documents as needed to participate in the Cooperative Contract.

This expenditure of funds is needed to provide rental, laundering, and delivery of employee uniforms and rental of floor mats in the following divisions; Water/Wastewater, Stormwater, Facilities Maintenance, Fleet, Grounds Maintenance, Fire, Leisure Services, Streets, Traffic Engineering, and Meter Services pursuant to Sourcewell Contract 062415. The Cooperative

Contract is made available to public agencies nationwide through Sourcewell cooperative purchasing network. Services will be provided locally by Unifirst Corp, 1455 Buffalo Road, Titusville, FL 32796. Unit prices under the City's contract are equal to or better than those in the Sourcewell Contract. The contract will be utilized by Fire, Utilities, Public Works, Development Services, and Finance Departments. Funds are available in various accounts of the General Fund; Water and Sewer Fund, Stormwater Fund, Fleet Maintenance Fund, and Facilities Property Maintenance Fund.

Recommendation: Chief Financial Officer recommends adoption of Resolution authorizing expenditures for the rental and servicing of employee uniforms and floor mats on an annual basis pursuant to the terms and conditions of the Cooperative Contract 062415 awarded to Unifirst Corporation. The annual cost is estimated to be \$52,210.13 and the total cost for the three year contract is estimated to be \$156,630.39.

8.C. [Utilities Department - Environmental Operating Solutions, Inc. - Bethune Point and Westside Regional Water Reclamation Facilities - Supplemental Carbon Purchase \(pp. 122-195\)](#)

Resolution terminating the General Services Contract No. 0118-0540 with Momar Inc., for convenience and approving a Hillsborough County piggyback contract with Environmental Operating Solutions, Inc., 160 MacArthur Boulevard, Suite 6, Bourne, MA 02532 for Supplemental Carbon at Westside Regional and Bethune Point Water Reclamation Facilities (WRFs) with the following provisions:

- The term of the contract will run through December 31, 2021;
- Authorize the City Manager to approve an expenditure estimated to be \$565,000 for as-needed Supplemental Carbon for fiscal year 2020;
- Authorize the City Manager to exercise the renewal options and expend such sums as budgeted each year; and
- Authorize the City Manager to terminate the Supplemental Carbon contract for convenience awarded to Mimer Inc. by Resolution 18-240 on July 18, 2018

The purpose of this request is to piggyback on a Hillsborough County Supplemental Carbon (Micro C) contract recently awarded to Environmental Operating Solutions, Inc. (EOSI) in order to increase reliability of product and service. The City uses Supplemental Carbon to reduce nutrients in the reclaimed water at both Westside Regional and Bethune Point WRFs. The reduction of nutrients is required in the permit issued by the Florida Department of Environmental Protection. Resolution 18-240 awarded the bid to Momar Inc.; however, the Utilities Department is requesting to terminate the contract with Momar Inc. and to accept a piggyback contract with EOSI through a Hillsborough County Purchase Agreement No.

219214965. The Hillsborough County Contract has been approved by the City's Purchasing Office for use by City departments. EOSI was a former provider of Supplemental Carbon whose product was of reliable quality, but was a higher unit price. The reliability of product quality will offset the moderate increase in unit price with EOSI, which will provide more assurance of regulatory compliance. Funds available in the Water and Sewer Operating Fund.

Recommendation: Utilities Director recommends adoption of the Resolution.

8.D. [Utilities Department - Woody's Septic Tank Services - Purchase Ratification \(pp. 196-206\)](#)

Resolution ratifying a purchase from Woody's Septic Tank Services, 550 Walker St., Daytona Beach, FL 32117, for lift station wet well cleaning in the amount of \$45,150. The Utilities Department requested wet well cleaning service from Woody's Septic Tank Services in order to maintain efficient operation of three of the 145 lift stations within the City's service area, sites 12, 34, and 62. Wet wells at lift stations can accumulate fats, oils, and greases (FOG), sand, and other debris that can greatly hinder the operation of the lift station and cause pumps to fail. In addition, such accumulation can cause lift stations to overflow.

A septic tank service will remove the accumulation of FOG, sand, and debris and dispose of the substances at an approved facility. Services were solicited from four vendors and two responded, as shown below, and Woody's Septic Tank Services was determined to be the lowest and most responsive bidder:

Woody's Septic Tank Services	\$15,050
Danus Utilities	\$35,580
Cloud 9 Services, Inc.	No response
Brownies Septic & Plumbing	No response

The vendor did not clarify until work was underway that the price quoted was a unit price per lift station and not the total price, which makes the total cost of work \$45,150 and not \$15,050. The second vendor quoted a price for just two of the three lift stations with a unit price of \$17,790. Therefore, Woody's Septic Tank Services is still the lowest responsive bidder. Funds available in the Water & Sewer Operations Fund account.

Recommendation: Utilities Director recommends adoption of the Resolution ratifying a purchase from Woody's Septic Tank Services for lift station wet

well cleaning in the amount of \$45,150.

8.E. [Utilities Department – Ace Flow Control – Cross Connection Control Program - Water Distribution System \(pp. 207-237\)](#)

Resolution approving a piggyback contract using a Cocoa Beach contract with Nils Humberg Enterprises, LLC, dba Ace Flow Control , 853 Waterway Place, Suite 101, Longwood, FL 32750 for cross connection and control testing and repair with the following provisions:

- The term of the contract will run through May 14, 2021;
- Authorize the City Manager to approve an expenditure of up to \$61,000 for as-needed cross control inspections for fiscal year 2020; and
- Authorize the City Manager to expend such sums as budgeted in fiscal year 2021

The purpose of this request is to maintain regulatory compliance in the water distribution system in accordance with State and Federal regulations. Water purveyors have the responsibility to supply potable water to their customers. In the exercise of this responsibility, water purveyors must implement, administer, and maintain ongoing backflow prevention and cross-connection control programs to protect public water systems from the hazards that can originate on the premises of their customers and from temporary connections that may impair or alter the water quality in the public water systems. The Cocoa Beach Contract has been approved by the City’s Purchasing Office for use by City departments. This contract is for cross connection and control testing and repair on an “as needed” basis. Funds available in the Water and Sewer Operating Fund.

Recommendation: Utilities Director recommends approving a piggyback contract using a Cocoa Beach contract with Nils Humberg Enterprises, LLC, dba Ace Flow Control for cross connection and control testing and repair with provisions in the amount of \$61,000.

8.F. [Utilities Department - Stewart's Electric Motor Works, Inc.- Motor and Pump Repair - Treatment Plants, Reuse Pump Stations and Lift Stations \(pp. 238-292\)](#)

Resolution approving a piggyback contract using a City of West Palm Beach contract with Stewart’s Electric Motor Works, Inc., 401 Clematis Street, West Palm Beach, FL 33401 for motor and pump repair at Westside Regional and Bethune Point Water Reclamation Facilities (WRFs), Brennan Water Treatment Plant, Reuse Pump Stations and Sanitary Sewer Lift Stations with the following provisions:

- The term of the contract will run through April 4, 2021 with two 1-

- year renewal options,
- Authorize the City Manager to approve an expenditure estimated to be \$205,000 for as-needed pump repair for fiscal year 2020; and
- Authorize the City Manager to exercise the renewal options and expend such sums as budgeted each year.

The purpose of this request is to piggyback on a City of West Palm Beach motor and pump repair contract recently awarded to Stewart's Electric Motor Works, Inc. in order to increase reliability of service. The Utilities Department currently uses CEC Motor & Utility Services to repair and maintain various types and sizes of pumps and motors for Westside Regional and Bethune Point Water Reclamation Facilities, Brennan Water Treatment Plant, Reuse Pump Stations, and the City's 145 Sanitary Sewer Lift Stations. This request is to add Stewart's Electric Motor Works, Inc. as a second vendor to ensure pumps and motors are repaired in a timely manner since operations at our facilities depend upon working pumps and motors. Additionally, improved service will provide more assurance of regulatory compliance. Funds available in the Water & Sewer Operating Fund.

Recommendation: The Utilities Director recommends adoption of the Resolution approving a piggyback contract using a City of West Palm Beach contract with Stewart's Electric Motor Works, Inc., in the amount of \$205,000.

8.G. [Utilities Department - FDOT Maintenance of Nova Canal - Resolution of Support \(pp. 293-296\)](#)

Resolution of support for the Florida Department of Transportation's (FDOT's) on-going efforts to clean and maintain the Nova Canal, and other FDOT drainage facilities, to alleviate flooding within portions of the City impacted by their level of service.

This request is needed to alleviate flooding caused by blockages impeding conveyance of stormwater within the Nova Canal, and other FDOT maintained facilities, which exacerbates flooding of adjacent properties.

The City has a history of flooding within the low lying neighborhoods adjacent to the Nova Canal. During heavy storm events, this canal will breach its banks and inundate the low lying areas within the City located adjacent to the canal. Regular cleaning and maintenance by FDOT of the Nova Canal and additional FDOT drainage facilities, including where applicable by cleaning and removing vegetation, is vital to ensure that these drainage facilities are effective in minimizing flooding.

The City Commission wishes to encourage and support FDOT's ongoing efforts to clean and maintain these drainage facilities in order to help

minimize local flooding caused by heavy rains and storms. There are no City funds required with this request.

Recommendation: Utilities Director recommends adoption of the Resolution.

8.H. [Legal Department - City v. ThadCon - Settlement \(pp. 297-299\)](#)

Resolution authorizing settlement of the City's third-party complaint against ThadCon, LLC, in the case of ZMS 1 LLC d/b/a the Medicine Shoppe, et. al. v. The City of Daytona Beach. The City's third-party complaint alleges contractual and common law indemnity against the City's construction contractor, ThadCon, arising out of an underlying inverse condemnation case against the City for alleged lost access to commercial property during the Orange Avenue construction project. ThadCon has indicated its willingness to settle the City's indemnity claim subject to City Commission approval, by payment to the City in the amount of \$5,000.

Recommendation: City Attorney recommends adoption of the Resolution.

8.I. [Legal Department - Jack Aberman - Settlement of Litigation \(pp. 300-316\)](#)

Resolution approving settlement in the case of City of Daytona Beach v. Jack Aberman, Case Number 2017-31369-CICI, brought by the City to foreclose on code enforcement liens in the amount of \$15,000, against a vacant lot located at the northwest corner of S. Grandview Avenue and Harvey Avenue. The Defendant acquired the property after the code enforcement lien was filed in the Official Records of Volusia County. The code violations included a retaining wall in despair and in need of painting, and loose, leaning, falling, or missing chain link fence posts. The Defendant has expended \$7,258.92 to bring the property into compliance. A recent inspection confirms full compliance with City Codes. The Defendant has offered to pay a reduced fine/lien amount of \$2,500, as full settlement to resolve the foreclosure action.

Recommendation: City Attorney recommends adoption of the Resolution.

8.J. [Development and Administrative Services - Housing Authority of the City of Daytona Beach - Utilization Of 2019 Payment in Lieu of Taxes \(pp. 317-330\)](#)

Resolution approving the request from The Housing Authority of the City of Daytona Beach (HACDB) to utilize their 2019 Payment In Lieu Of Taxes (PILOT) in the amount of \$82,767.25 to construct an Affordable Single Family Home to be sold to a low-moderate income qualified household. The home will be built on a vacant lot owned by the HACDB within the City of

Daytona Beach. Construction oversight and buyer processing will be managed by HACDB. Housing Authorities are required make Payments In Lieu Of Taxes for their moderate and low income projects. The PILOT funds paid to the City from The Housing Authority are posted and accounted for in the City's General Fund.

Recommendation: Deputy City Manager recommends adoption of the Resolution.

8.K. [Finance Department - Allocation of Bike Week Sponsorship Funds \(pp. 331-332\)](#)

Resolution authorizing payment in the amount of:

\$500 to Glorious Kingdom Deliverance Worship Center, Inc., for a general donation from the Bike Week Sponsorship Funds of Mayor Derrick Henry.

Recommendation: Chief Financial Officer recommends adoption of the Resolution.

9. PUBLIC HEARINGS.

9.A. [Development and Administrative Services, Planning Division - Consolidated Tomoka Parcel F - Large Scale Comprehensive Plan Amendment \(pp. 333\)](#)

Ordinance on second reading - PUBLIC HEARING - adopting a Large Scale Comprehensive Plan Amendment (LSCPA) amending the Future Land Use Map designation from Low Intensity Urban to Mixed Use for 120± acres, and amending the Future Land Use Element, Neighborhood V, Issue (n) and adding Issue (r), Policies 1-4 to allow additional dwelling units and reduce non-residential entitlements on property located on the south side of Granada Boulevard/SR 40, east of Rima Ridge Road, and approximately two miles west of I-95. Applicant: Darren J. Elkind, Esquire, MHK of Volusia, Inc., on behalf of Scott Bullock, Consolidated-Tomoka Land Co.

****Applicant has requested this item be continued to the December 4, 2019 City Commission Meeting**.**

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 5-to-0.

Action: Motion to adopt Ordinance.

9.B. [Development and Administrative Services, Planning Division - Consolidated Tomoka Parcel F - Rezoning to Planned Development - General \(PD-G\) \(pp. 334\)](#)

Ordinance on second reading - Quasi-Judicial Hearing - approving a request to rezone 990± acres of land located on the south side of W. Granada Boulevard/SR40, east of Rima Ridge Road, and approximately two miles west of I-95, from "Volusia County" Rural Agriculture (A-2), Resource Corridor (RC), and "City" Planned Development-General (PD-G) to "City" Planned Development-General (PD-G) to allow for a mixed use development with approximately 2,400 residential units, and 339,500 sf of commercial area, and authorizing the Mayor to execute the Consolidated Tomoka Parcel F Planned District Agreement. Applicant: Darren J. Elkind, Esq., on behalf of MHK of Volusia, Inc. ****Applicant has requested this item be continued to the December 4, 2019 City Commission Meeting**.**

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 5-to-0.

Action: Motion to adopt Ordinance.

9.C. [Development and Administrative Services, Planning Division - Clyde Morris Boulevard Industrial - Large Scale Comprehensive Plan Amendment \(pp. 335-469\)](#)

Ordinance on second reading - PUBLIC HEARING - adopting a Large Scale Comprehensive Plan Amendment (LSCPA) amending the Future Land Use Map designation from General Industrial to Mixed Use for 38± acres of land located east of Clyde Morris Boulevard and south of LPGA Boulevard to allow for a mixed-use development. Applicant: Robert A. Merrell III, Esq., Cobb Cole, on behalf of Scott Bullock, Indigo Development LLC.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 5-to-0.

Action: Motion to adopt Ordinance.

9.D. [Development and Administrative Services, Planning Division - Rezoning - First Amendment to Clyde Morris Boulevard Industrial Planned District Agreement \(pp. 470-527\)](#)

Ordinance on second reading - Quasi-Judicial Hearing - approving a request to amend the Clyde Morris Boulevard Industrial Planned District Agreement to allow the opportunity to construct affordable workforce housing through the approval of residential uses on 38± acres of the property which also will proximately offer light industrial production employment opportunities and authorizing the Mayor to execute First Amendment to Clyde Morris Boulevard Industrial Planned District Agreement. The property is generally located east of Clyde Morris Boulevard and south of LPGA Boulevard. Applicant: Robert A. Merrell III, Esq., Cobb Cole, on behalf of Southern Investment Group LLLP (contract purchaser).

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 6-to-0.

Action: Motion to adopt Ordinance.

9.E. [Development and Administrative Services, Planning Division - Rezoning - First Amendment to Minto Tomoka - Parcel A Planned District \(pp. 528-588\)](#)

Ordinance on second reading - Quasi-Judicial Hearing - amending the Minto Tomoka - Parcel A Planned Development Agreement to revise the district boundary, modify the approved development standards, and authorizing the Mayor to execute the First Amendment to Tomoka - Parcel A Planned Development Agreement (FKA Minto Tomoka-Parcel A). The applicant is requesting the following changes:

- Modify PD boundary to reduce area from 1614± acres to 1590± acres;
- Reduce minimum lot width of single family lots from 50' to 40';
- Allow roads to be public or private; and
- Require reservation of property for future alignment of Hand Avenue.

The development agreement includes two access points to the future Tournament Drive alignment and stub outs for potable water, sewer, and reclaimed water. Applicant: Robert A. Merrell III, Esquire, Cobb Cole, on behalf of Scott Bullock, Consolidated-Tomoka Land Co.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 6-to-0.

9.F. [Public Works, Technical Services Division - Crown Park Suites - Final Plat \(pp. 589-605\)](#)

Resolution - Quasi-Judicial Hearing approving a request by Amir Malek, Metaworld Civil Consulting LLC, on behalf of Midwest Transit Inc., to approve a Final Plat on + / - 12.775 acres for Crown Park Storage Suites to allow for the construction of a boat and RV storage facility pending any required changes needed to comply with Legal form and sufficiency requirements. The subject property is located directly west of N. Tomoka Farms Road, and north of West International Speedway Boulevard. The Final Plat has been reviewed by staff and the Technical Review Team (TRT), and was found to conform to City and State requirements. The Final Plat is consistent with the Preliminary Plat. The Preliminary Plat was recommended for approval with a 6-0 vote at the Planning Board's September 26th, 2019 meeting. There are no public improvements associated with this final plat. No contract for plat recording is therefore required.

Andrew Holmes, Public Works Director, to report.

Recommendation: Public Works Director recommends adoption of the Resolution.

Action: Motion to adopt Resolution.

9.G. [Engineering/Public Works Department - Williamson Crossing - Final Plat \(pp. 606-623\)](#)

Resolution - Quasi-Judicial Hearing approving the request by Parker Mynchenberg, Parker Mynchenberg & Associates, Inc. on behalf on behalf of Chuck Whittall, Shoppes at Williamson Crossing, LLC, to approve the Williamson Crossing Final Plat on 21.72 +/- acres pending any required changes needed to comply with Legal form and sufficiency requirements. The subdivision will allow for commercial development. The Final Plat has been reviewed by staff and the Technical Review Team (TRT), and was found to conform to City and State requirements. The Final Plat is consistent with the Preliminary Plat. There are no public improvements associated with this Plat, therefore approval of a Contract for Plat Recording is not required with this plat. Ordinance 19-118 adopted at the May 15th, 2019 City Commission Meeting previously approved the preliminary plat. The Preliminary Plat was recommended for approval by the Planning Board at their March 28th, 2019 meeting by a 5-0 vote.

Andrew Holmes, Public Works Director, to report.

Recommendation: Public Works Director recommends adoption of the Resolution.

Action: Motion to adopt Resolution.

9.H. [Development and Administrative Services, Planning Division - Lago Verde - Large Scale Comprehensive Plan Amendment \(pp. 624-715\)](#)

Ordinance on first reading - PUBLIC HEARING - adopting a Large Scale Comprehensive Plan Amendment (LSCPA) amending the Future Land Use Map designation from Level 1 Residential to Mixed Use for 62.9± acres, and amending the Future Land Use Element, Neighborhood S, adding Issue (k) and Policy (1) to reduce FAR to 0.25 for property located in the northeast quadrant of the Williamson Boulevard/Strickland Range Road intersection to allow for a mixed use development. Applicant: Darren J. Elkind, Esquire, Paul, Elkind, Branz & Kelton, P.A., on behalf of MHK of Volusia County, Inc.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 6-to-0.

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, January 8, 2020.

10. ADMINISTRATIVE ITEMS.

10.A. [Development and Administrative Services, Planning Division - Lago Verde - Rezoning to Planned Development - General \(PD-G\) \(pp. 716-771\)](#)

Ordinance on first reading - approving a request to rezone 62.9± acres of land located in the northeast quadrant of the Williamson Boulevard/Strickland Range Road intersection from "County" Urban Single-Family Residential (R-2) to "City" Planned Development-General (PD-G) to allow for a mixed-use development, and authorizing the Mayor to execute the Lago Verde Planned District Agreement. Applicant: Darren J. Elkind, Esq., Paul, Elkind, Branz & Kelton, P.A., on behalf of MHK of Volusia County, Inc.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 6-to-0.

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, January 8, 2020.

10.B. [Development and Administrative Services, Planning Division - Nova Oaks Business Park - Small Scale Comprehensive Plan Amendment \(pp. 772-824\)](#)

Ordinance on first reading - adopting a Small Scale Comprehensive Plan Amendment (SSCPA) amending the Future Land Use Map designation from Level 2 Residential to General Industry for 4.3± acres of land at 1329 Bellevue to allow for the expansion of the existing industrial park. Applicant: Joseph H. Hopkins, P.E, The Performance Group, Inc., on behalf of George Nour.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 6-to-0.

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, November 20, 2019.

10.C. [Development and Administrative Services, Planning Division - Rezoning - 1st Amended & Restated Nova Oaks Business Park Planned District Agreement \(pp. 825-884\)](#)

Ordinance on first reading - to allow for the expansion of Nova Oaks Business Park by rezoning 4.3+/- acres of land located on the south side of Bellevue Avenue and west of Nova Road from Single-Family Residential 5

(SFR-5) and Multifamily Residential 20 (MFR-20) to Planned Development-General (PD-G), amending the Nova Oaks Business Park Planned District Agreement to expand the previously approved Nova Oaks Planned District to allow for the expansion of the existing industrial park, update various development standards, and authorizing the Mayor to execute the 1st Amended and Restated Nova Oaks Business Park Planned District Agreement. Applicant: Joseph H. Hopkins, P.E, The Performance Group, Inc. on behalf of George Nour.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 6-to-0.

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, November 20, 2019.

10.D. [Development and Administrative Services, Planning Division - Rezoning - Fourth Amendment to Best Buy Planned District Agreement \(pp. 885-980\)](#)

Ordinance on first reading - amending the Best Buy Planned District Agreement to allow for the redevelopment of the existing Barnes & Noble site (Lot 2 - 2.1± acres) to accommodate a gas station and retail establishment with associated site improvements located at 1900 W. International Speedway Boulevard, and authorizing the Mayor to execute the Fourth Amendment to Best Buy Planned District Agreement. Applicant: Scott Kearney, Wawa, on behalf of Indigo Development LLC.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 6-to-0.

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, November 20, 2019.

10.E. [Development and Administrative Services, Planning Division - Land Development Code Text Amendment - Amend Articles 3, 5, and 11 \(pp. 981-1008\)](#)

Ordinance on first reading - amending the Land Development Code (LDC), Articles 3, 5, and 11 relating to ADA compliance.

LDC Article 3 – Review Procedures Creating Subsection 3.4. DD (Reasonable Accommodations) and amending Section 3.4.Y (Appeals) to establish procedures and standards for reasonable accommodations and provide for appeals from reasonable accommodation determinations. Amending Table 3.2 (Summary Table of Development Procedures), 3.3.E.1 (Required Public Hearings) and 3.3.E.3 (Public Hearing Notice Timing Requirements), for consistency with the proposed LDC amendments relating

to reasonable accommodations.

Article 5 - Use Standards Creating Section 5.5 (General Standards Not Relating to Specific Use Types), to include a definition for family occupancy and exceptions to the definition. Amending Section 5.2, Principal Uses, to add standards governing the new special standards relating to uses allowed in Section 5.5. Amending Section 5.2.B.3- Standards for Specific Principal Uses, to add standards governing the new special standards relating to uses allowed in Section 5.5.

Article 11 Definitions and Interpretations Section 11.3 (Use Classifications and Interpretations) to revise the residential use classification to remove the following language: “The single family dwelling use includes homes that provide a single family home environment for six or fewer residents receiving some level of personal care”. Section 11.5 (Definitions) amending the definitions of dwelling unit and family to revise LDC restrictions on family occupancy of dwelling units. Applicant: Development and Administrative Services Department, Planning Division.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 6-to-0.

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing November 20, 2019.

10.F. [Development and Administrative Services, Planning Division - Royal Oaks - Rezoning to Planned Development - General \(PD-G\) \(pp. 1009-1071\)](#)

Ordinance on first reading - approving a request to rezone 56.1± acres of land located along Champion Drive from Planned Development-General (PD-G) to Planned Development-General (PD-G) to allow for the development of a residential subdivision with single family detached dwellings and/or townhomes, and authorizing the Mayor to execute the Royal Oaks Planned District Agreement. Applicant: Robert A. Merrell III, Esquire, Cobb Cole, on behalf of Cardinal Servicing Co. LLC.

Dennis Mrozek, Planning Director, to report.

Recommendation: Planning Board recommends approval 6-to-0.

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, November 20, 2019.

10.G. [Human Resources Department - Outside Detail Rate Increase for Police Officers and Firefighters \(pp. 1072-1074\)](#)

Ordinance on first reading amending Outside Detail Rate for Police

Officers and Firefighters. The City's negotiating team and Coastal Florida Police Benevolent Association (which represents Police Officers and Sergeants) and the International Association of Firefighters have agreed to increase the outside detail rate for police officers and firefighters from \$40.00 to \$45.00 per hour. Additionally, the rate for police supervisors and fire supervisors will increase from \$43.00 to \$48.00 per hour. The increase will take effect on January 1, 2020.

James Sexton, Human Resources Director, to report.

Recommendation: Human Resources Director recommends passing Ordinance on first reading.

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, November 20, 2019.

10.H. [Human Resources Department - Police and Fire Pension Plan - Amendment \(pp. 1075-1077\)](#)

Ordinance on first reading amending the City of Daytona Beach Police Officers' and Firefighters' Retirement System, Subpart D of the City Charter; Amending Section 8, Disability by amending the In-Line and not In-Line of duty benefit levels; Amending Section 27, Deferred Retirement Option Plan by allowing interest accrual for DROP withdrawals occurring prior to October 1 of each year; and providing for codification.

James Sexton, Human Resources Director, to report.

Recommendation: Human Resources Director recommends passing Ordinance on first reading.

Action: Motion to pass Ordinance on first reading.

Note: If passed, Public Hearing, November 20, 2019.

10.I. [City Manager's Office - Planning Board Appointment \(pp. 1078-1082\)](#)

Resolution appointing one member to the Planning Board for Zone 5. The board shall consist of seven (7) members serving staggered terms of four years commencing January 1 and expiring December 31, with a least one member residing in each Zone within the City and one At-large member. Must be a qualified elector in the City and hold no other City office. We have received an application from Milverton Robinson.

Betty Goodman, Assistant City Manager, to report.

Recommendation: Commission action.

Action: Motion to adopt the Resolution.

10.J. [City Manager's Office - Housing Authority Commission Appointment \(pp. 1083-1090\)](#)

Resolution appointing two members to the Housing Authority Commission. Members are appointed by the Mayor and approved by the City Commission. The board shall consist of five (5) members serving four (4) year terms. Members may not be officers or employees of the City. The membership term of Sally Jass has expired and she would like to be reappointed. We also have an application from Kim Brown-Crawford.

Betty Goodman, Assistant City Manager, to report.

Recommendation: Commission action.

Action: Motion to adopt the Resolution.

10.K. [City Manager's Office - Daytona Beach Racing and Recreational Facilities District - Appointment](#)

Resolution appointing one member to the Daytona Beach Racing and Recreational Facilities District. James 'Bud' Ritchey resigned with a membership term expiration of 7/01/21 The board shall consist of five members serving four year terms and members must be qualified electors of the District. We have received an application from Christopher Bowler.

Betty Goodman, Assistant City Manager, to report.

Recommendation: Commission action.

Action: Motion to adopt the Resolution.

11. COMMENTS AND INQUIRIES FROM THE CITY COMMISSION - CITY MANAGER AND CITY ATTORNEY REPORT.

12. ADJOURNMENT.

13. PUBLIC COMMENT FORUM - During this time Citizens are allowed 2.5 minutes to speak on any topic. Please be courteous and respectful of the views of other speakers. Personal attacks on the City Commission, City Staff or members of the public are not allowed.